HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No.6398 of 1997

Date: 19.02.2007

Between:

K.V.S. Suryanarayana, I.A.S., (Retd.),
Retd. Member (Admn), A.P. Administrative
Tribunal, Hyderabad.

.... Petitioner

And

The Union of India, reptd. by its Secretary,
Department of Personnel, Public Grievances
and Persons, Department of Personnel and
Training, New Delhi and 2 others

.... Respondents

ORDER:

The petitioner, a retired I.A.S. Officer and a Member of the Andhra Pradesh Administrative Tribunal, questions the action of the respondents in adopting different dates for extending the benefit of revision of pay scales, to Members of the Central Administrative Tribunal and the Andhra Pradesh State Administrative Tribunal, as being in violation of the Administrative Tribunals Act, 1985 and as arbitrary and discriminatory.

In exercise of the powers conferred by sub-section (1) read with clause (c) of sub-section (2) of Section 35 of the Administrative Tribunals Act, 1985, the Central Government made the Andhra Pradesh Administrative Tribunal (Salaries and

Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules and these rules came into force with effect from 1.11.1989. These rules were amended on 29.01.1991, wherein the Salaries and Allowances payable to the Chairman, Vice-Chairman and Members were fixed at Rs.7300-7600. Again, by an amendment notified on 31.1.1994, the salaries and allowances were revised from Rs.7300-7600 to Rs.7300-8000 from the date on which the amendment was to be published in the official Gazettee.

It is not in dispute that after 31.01.1994 the petitioner herein was paid higher salary of Rs.7300-8000. The grievance of the petitioner is that while the Members of Central Administrative Tribunal were given the benefits of higher pay scale earlier, the higher pay scales were made applicable to the members of the Andhra Pradesh Administrative Tribunal, from a later date. It is necessary to note that the date from which the higher pay scales were made applicable is as prescribed by way of amendment to the statutory rules. There is presumption about the constitutionality of these rules and in the absence of a specific challenge thereto, the question of said rules being struck down as arbitrary and illegal does not arise. The amendment to Rule-3 of the Andhra Pradesh Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice-Chairman and Members) Rules, 1989 notified on 31.1.1994 is not challenged in this writ petition, and, as such, this Court is not required to examine its constitutional validity.

The writ petition fails and is accordingly dismissed. No costs.

RAMESH RANGANATHAN, J

Date: 19th February 2007

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